

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 15 and 31-53 are currently pending in this application. Claims 15 and 42 are independent. The remaining claims depend, directly or indirectly, from claims 15 and 42.

Rejections under 35 U.S.C. § 103

Claims 15 and 31-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,536,041 ("Knudson") in view of U.S. Publication No. 2003/0149988 ("Ellis"). This rejection is respectfully traversed.

Applicant respectfully asserts that the rejection of the claims using Ellis is improper because Ellis constitutes improper prior art. The present application has a priority date of July 20, 1998. Ellis is a continuation of an application filed on June 11, 1999, and claims benefit to a provisional application filed on July 14, 1998. Because the Examiner has cited the Publication of the continuation application (Ellis 2003/01409988) against the present application, Applicant has no way of knowing whether the original provisional application, which is the only application that predates the present application's priority date, includes the subject matter relied upon by the Examiner in Ellis.

Particularly, the Examiner relies on Ellis as teaching an interactive message superimposed over the program, wherein the interactive message requires a response from the user and wherein the interactive message changes to the at least one of the received channels based on a positive reply from the user. The Examiner also relies on Ellis as teaching carrying

out at least one payment step in response to a positive response to the interactive message from the user (*see* Office Action mailed June 28, 2007, page 4). Therefore, Applicants respectfully request that the Examiner either cite the corresponding provisional application against the present application, or withdraw the present rejection based on a combination of Knudson and Ellis, if the aforementioned provisional application does not, in fact, include the subject matter on which the Examiner relies.


Further, if Ellis is withdrawn as an improper prior art reference, the rejection of the present claims cannot stand based on Knudson alone. The Examiner admits that Knudson fails to teach several of the limitations recited in the claimed invention (*see* Office Action mailed June 28, 2007, pages 3-4). In view of the above, Applicant asserts that the independent claims of the present invention are patentable over Knudson and Ellis, whether considered separately or in combination. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/019001).

Dated: September 27, 2007

Respectfully submitted,

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